

Application # 09/436,432  
DRAFT Amendment Dated: January 24, 2006  
In response to phone of January 12, 2006

### III. REMARKS

4. Reconsideration of this application, in view of the following remarks, is respectfully requested.

#### A. References

5. The following U.S. patent was considered in the previous office action:

- US Patent No. 5,619,995, Lobodzinski, filed April 15, 1997,  
("Lobodzinski " or "Lobod" for short)

### IV. NEW CLAIMS

6. New claims 36-44 more distinctly claim the invention and are not made to overcome prior art.

7. Independent claim 36 provides a new, narrow claim that applicant submits is patentable as written.

8. Claims 37 through 40 are dependent on claim 36 and provide addition limitations.

9. Independent claims Claim 41 through 44 add addition limitations to the prior independent claims Claims 1, 13, 22, and 29, respectively.

10. Consideration of new claims 36 through 44 is requested in view of the following remarks.

11. Further, applicant maintains that independent claims 1, 13, 22, and 29 respectively are patentable over Lobod, as explained in detail in the response dated September 22, 2005.

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**B. What Lobod Does NOT Teach**

12. In order for Lobod to anticipate a claim of Applicant's invention it must teach each and every element of the claim. Lobod does not teach or suggest several elements which are the same as Applicant's invention.

13. For example, Lobod does not teach the following:

- Two distinct levels of compressed video resolutions: a high level and a novel low level which requires a significantly lower bandwidth.
- First, transmitting the faster, low-resolution version of the video.
- A user function for requesting the high-resolution (or "enhanced") version of a video section of interest.
- User functions for explicitly marking the beginning and ending of a section of interest to be transmitted in the slower, "enhanced" format.
- The ability to store both the enhanced sections with the low resolution video at the receiver.
- User function for skipping to forward and backward to enhanced sections.
- A network server that can store videos and perform the operations of transmitting and enhancing without having a video source.

14. Lobod fails to teach or suggest the details of the receiving device:

- Receiving the video stream of images in a first format (which is not the enhanced second format).
- Displaying the video stream of images for a user at the remote receiving device to mark one or more sections of interest.

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- Transmitting a request back from the receiving device to the transmitting device for enhanced version of the sections of interest.
- Received from the transmitting device the enhanced sections of interested in a second format which is an enhanced version of the first format.
- Storing the first format, and replacing the marked portion with video in the second format.

15. Further, the claims of the present invention requires at least two types of storage devices: a storage device which is part of the transmitting device (e.g. claim 13) and a received storage device (e.g. claim 26, see also claim 2). Lobod only teaches one storage device.

V. **CLAIMS NOT ANTICIPATED OR RENDERED OBVIOUS BY LOBOD**

C. **New Claims Not Anticipated or Suggested**

16. Applicant submits that the new claims are not anticipated or suggested by Lobod.

D. **Independent Claims Not Anticipated or Suggested**

17. As discussed in detail in the response filed September 22, 2005, notwithstanding, the elements that Lobod teaches, each of Applicant's independent claims contains elements that Lobod does not teach or suggest. In order for a claim to be anticipated the reference must clearly teach each and every element of the claim.

18. Claim 1 requires "a request for an enhanced version of a marked portion of the video stream [in a first format]" and "transmitting the marked portion... in a second format, wherein the second format represents an enhanced version of the first format".

19. Claim 13 requires "a controller...for controlling transmission... wherein the stream of images are transmitted to the receiving device in a first format and then a requested

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portion of the stream of images are transmitted to the receiving device in a second format, and further wherein the second format represents an enhanced version of the first format".

20. Claim 22 requires "a receiving device ... to receive the video stream of images in a first format, display the video steam of images for a user to mark one or more sections of interest, transmit a request for an enhanced version of the sections of interest and receive from the transmitting device the sections of interest within the video stream of images in a second format, wherein the second format represents an enhanced version of the first format."

21. Claim 29 requires "displaying the video stream of images in the first format at the receiving device, allowing a user to mark sections of interest within the video stream of images; and ... transmitting the sections of interest to the receiving device in a second format, wherein the second format represents an enhanced version of the first format.

22. Each of these independent claims contain limitations that were not clearly taught or even suggested by Lobod, especially in the way that they are taught by Applicant to solve a problem that was not solved by Lobod. Applicant submits that none of the independent claims are fully anticipated by Lobod and thus each of the independent claims and their independent claims are patentable over Lobod.

23. As discussed in detail in the response filed September 22, 2005, each of the original claims 1-35 contain elements that were not taught or suggested by Lobod.

The undersigned respectfully submits that, in view of the foregoing remarks, the present application is believed to be in condition for allowance. It is respectfully requested that this application be considered and that this case be passed to issue. If it is believed that a telephone

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conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to call the undersigned at 408-739-9517.

Respectfully submitted,

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Date: January 24, 2005

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